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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 18th Day of June 1998

BEFORE

THE HON'BLE MR. JUSTICE CHANDRASHEKARAIAH

WRIT PETITION NO.15506/1998 c/w.

W.P.No. 3966/1995

In W.P.No.15506/1998

Between:

Smt.Rathna Manjari,
major, W/o.Sri.Mahipathi,
Residing at No.420,
4th Main, 4th Stage,
T.K.Layout, Kuvempunagar,
Mysore - 570 023.

...PETITIONER

(By Sri.G.K.V.Murthy and
Sri.M.S.Srinivasa, Advs.)

And:

The Mysore Urban Development
Authority (MUDA),
Jhansi Lakshmibai Road,
Mysore, represented by
its Commissioner.

...RESPONDENT

(By Sri.H.B.Narayana, Adv.)

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This Writ Petition is filed under Article 226 of the Constitution of India with a prayer to direct the respondent to hand over vacant possession of the house property bearing No.53, situated in Datta_alli 'A' Block, Mysore allotted to the Petitioner as per Allotment letter vide Annexure 'A' dated.5.9.1994.

In W.P.No.3966/1995

Between:

Smt. Lalitha,
W/o.Nagaraj,
Hindu, aged about
40 years, residing
at No.1182, New
Street, Hosabeedi,
3rd Cross, Ittigegoodu,
Mysore.

...PETITIONER

(By Sri.O.Shivarama Bhat, Adv.)

And:

1. The Mysore Urban Development
Authority, rep. by its
Chairman, Mysore.
2. The Secretary,
Mysore Urban Development
Authority, Mysore.
3. Smt.Rathnamanjari,
Aged 36 years,
W/o.Manipanni,
R/a. No.420, 4th Main,
4th Stage, T.K.Layout,
Saraswathipuram,
Mysore.

...RESPONDENTS

(By Sri.H.B.Narayan, Adv. for R-1 & R-2,
Sri.H.C.Shivaramu, Adv. for R-3)

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This Writ Petition is filed under Article
226 of the Constitution of India with a prayer
to quash the endorsement dated 09.02.1995 issued
by R-2 vide Annexure 'A'.

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These Writ Petitions coming on for orders this day, the Court made the following:-

O_R_D_E_R

The petitioner in W.P.No.3966/95 has challenged the cancellation of allotment of house bearing No.53 situated at Dattagalli, G & H Block extension (New 'A' Block), Mysore on the ground that the 1st respondent without any notice to the petitioner has cancelled the allotment. It is also brought to my notice that the said house has been allotted in favour of the petitioner in W.P.No.15506/98.

2. The petitioner in W.P. No.15506/98 has sought for a direction to the Mysore Urban Development Authority to deliver possession of the House No.53, allotted in her favour. After some arguments all the parties in this Writ Petition reached an agreement and accordingly requested this Court to dispose of the Writ Petitions on the following terms.

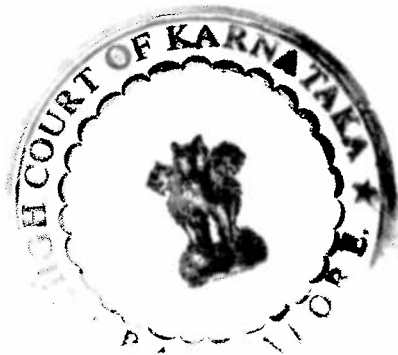
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The Mysore Urban Development Authority has agreed to allot house No.347 'H' Block extension, Mysore in favour of Smt.Rathnamanjari who is petitioner in W.P.No.15506/98. Smt.Rathnamanjari also has [✓] ~~no~~ [✓] objection to surrender her rights which ~~were~~ ^{were} ~~acquired from the~~ ^{were derived from the order of} allotment of the House No.53, G & H Block extension ('A' Block) in favour of the Urban Development Authority. The Urban Development Authority has further agreed to restore the allotment of house No.53, G.& H Block extension (New 'A' Block) Dattagalli, in favour of Smt.Lalitha who is the petitioner in W.P.No.3966/95. ~~These~~ allotments will be subject to the payments to be made by the allottees to the Urban Development Authority. Accordingly, I pass the following order:

3. Writ Petitions are disposed of. The Mysore Urban Development Authority is directed to restore allotment of house No.53, G & H Block

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(New 'A' Block) extension, Dattagalli, Mysore
in favour of Smt. Lalitha who is the petitioner
in W.P.No.3966/95. The Mysore Urban Development
Authority is further directed to allot house No.
347, 'H' Block, Dattagalli, Mysore in favour of
Smt. Rathnamanjari who is petitioner in W.P.No.
15506/98. The allotment so made both in favour
of Smt.Lalitha and Smt.Rathnamanjari is subject
to the payment of necessary cost of the House as
and when demanded by the Mysore Urban Development
Authority.



Sd/-
JUDGE

sps/-